

Amendment No. 1 to SB1153

Gardenhire
Signature of Sponsor

AMEND Senate Bill No. 1153*

House Bill No. 1482

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-11-404, is amended by deleting subsection (b) and substituting:

(b) The Tennessee Association of Professional Bail Agents shall either provide or contract for a minimum of eight (8) hours of in-person continuing education classes to be held on a regular basis in each of the grand divisions and may provide additional classes as necessary. The association may also provide or contract for one (1) or more virtual classes. The association is authorized to subcontract with any of its sub associations for classes. A schedule of these classes must be provided to all agents. The association shall not charge more than four hundred fifty dollars (\$450) annually for the eight (8) hours of continuing education, and the cost of any course with less than eight (8) hours must be prorated.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 11, Part 4, is amended by adding the following as a new section:

(a) A person shall not attend a continuing education class under this part who has been convicted in any state of a crime equivalent to:

(1) A felony in this state; or

(2) Two (2) or more misdemeanors that are equivalent to Class A or Class B misdemeanors in this state if the misdemeanor convictions occurred within five (5) years of the date of the continuing education class.

(b)

(1) Not less than ninety (90) days before a scheduled continuing education class, an applicant seeking to attend a continuing education class pursuant to this part must submit to a criminal history background check as provided by § 38-6-109, with the results being reported as follows:

(A) An applicant who has been previously approved as a professional bondsman or an agent of a professional bondsman must have the results reported to the clerk of a court of record with criminal jurisdiction within a county in which the professional bondsman or the agent is approved to write appearance bonds;

(B) An applicant who will be seeking approval as a professional bondsman or as an agent of a professional bondsman must have the results reported to the clerk of a court of record with criminal jurisdiction within a county in which the prospective professional bondsman or agent will be seeking approval to write appearance bonds; and

(C) All other applicants must have the results reported to the clerk of a court of record with criminal jurisdiction within the county in which the applicant resides.

(2) The criminal history background check required by this section must include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation and the federal bureau of investigation. The applicant is responsible for any fees associated with the criminal history background check.

(c)

(1) Upon receipt of a criminal history background check, the clerk of the court of record with criminal jurisdiction shall review the background check to determine whether the applicant has a disqualifying criminal history. The clerk

may consult with the office of the district attorney general for the judicial district in making the determination required by this subdivision (c)(1).

(2) If the clerk determines that an applicant has a disqualifying criminal history, then the clerk must inform the applicant and the Tennessee Association of Professional Bail Agents not less than sixty (60) days prior to the scheduled continuing education class that the applicant is ineligible to attend the continuing education class.

(3) If the clerk fails to come to a decision, then the applicant is presumed to have no disqualifying criminal history.

(d)

(1) If the applicant believes that the decision of the clerk is in error or that there are extenuating circumstances that would permit attendance notwithstanding the criminal history, then the applicant may appeal the clerk's decision within ten (10) days to the court of record with criminal jurisdiction within the county where the criminal history background check was received.

(2) All appeals must be in writing, setting forth the grounds for the appeal.

(3) The court hearing the appeal shall give written notice of its decision not less than fifteen (15) days before the scheduled continuing education class. If the court fails to provide written notice within the time period prescribed by this subdivision (d)(3), then the court must give written notice as to when the decision will occur, or if no such notice is given, then the clerk's decision is deemed final.

(e) An applicant has a right to appeal the court's decision to the court of criminal appeals within thirty (30) days.

(f) The clerk of the criminal court is authorized to charge a fee of not more than ten dollars (\$10.00) to receive and process the application and the criminal history background check.

(g) The Tennessee Association of Professional Bail Agents and its agents, contractors, and employees are not liable to any person for damages resulting from a determination made pursuant to this section.

SECTION 3. Section 1 of this act takes effect upon becoming a law, the public welfare requiring it. Section 2 of this act takes effect January 1, 2025, the public welfare requiring it, and applies to the 2025 continuing education period.